

Date	-	15 December 2017
Report of the	-	Lead Director, Dr Anthony Leonard
Subject	-	Service Specification (Minimum Requirements)

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**Recommendation:** It be **RESOLVED:** That the Service Specification contained in Appendix 1 (subject to adjustments, cross-referencing and alignment with the other tender documents) be approved for tender.

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### **Introduction**

1. Further to decisions taken by the Joint Waste and Recycling Committee concerning specification matters (Minute JWRC17/12 refers), Members are being presented with the draft specification for approval and asked to note that this remains work in progress until advert in the Official Journal of the European Union (OJEU).
2. The need for each Councils' requirements to be clearly specified and combined into a single Service Specification ready for OJEU has been challenging. Officers continue to work with the appointed waste consultants to ensure that the final documentation meets the standards required.

### **Competitive Procedure with Negotiation Process**

3. To meet the Public Contracts Regulations 2015 requirements for a Competitive Procedure with Negotiation (CPN) process, the Partnership must define the minimum requirements to be met by all tenders and specify the contract award criteria.
4. The CPN process enables key aspects of the contract requirements to be negotiated prior to final contract award but does not permit negotiation on the "minimum requirements" nor the "award criteria". These matters are fundamental to the scope of the procurement so any changes would alter the basis upon which Suppliers had been invited to tender.
5. This report deals with the final Service Specification which forms the minimum requirements in terms of this procurement. The Tender Evaluation report elsewhere on this Agenda deals with the award criteria.

### **Format of the Specification**

6. In line with the decisions taken, Ricardo Energy & Environment, the appointed Waste Consultants (previously Ricardo AEA) has developed the specification contained in Appendix 1.

The specification is divided into the following four sections:

**Section 1:** General Requirements of the Service.

**Section 2:** Waste Collection Requirements (excluding Bulky Waste Collections in Hastings).

**Section 3:** Street and Beach Cleansing Requirements (excluding Hastings).

**Section 4:** Street and Beach Cleansing, Bulky Waste and Fly-Tip service requirements for Hastings only.

### **Matters Remaining Prior to OJEU**

7. Officers consider that the main requirements of the specification appropriately reflect the service needs of each Council but several aspects of the document still need to be refined. The document needs to clearly describe a complex range of both committed service requirements (the main collections and cleansing activities) and provisional service activities (food waste collections and Hastings cleansing services) with sufficient clarity for Suppliers to submit tenders.
8. The specification must also cross-reference and align with all the other tender documentation so that the basis for payments, how performance will be managed and the terms under which the contract is being awarded are all consistent. Final cross-referencing and checks of the document will not be completed until all the documents have been brought together as a single package just prior to OJEU.

### **Appendices to the Specification**

9. The appendices to the specification will contain the detail of each service requirement and ensure that suppliers are able to accurately price their returns. Good progress has been made by Waste officers in checking and updating all the information required. The appendices will be added to the final specification just prior to OJEU.
10. The appendices to the specification include (amongst other information with regard to service details):
  - Properties requiring Alternate Weekly Collections (AWC)
  - Properties requiring Weekly Collections
  - Properties requiring Daily Collections
  - Street Cleansing measurements with intensities (includes Car Parks, Subways, Alleyways, Underpasses, Beaches)
  - Town centre cleansing requirements
  - Properties requiring Garden Waste Services
  - Properties with Restricted Access
  - Properties requiring Assisted Collection
  - Receptacles to be used (bins and bags)
  - Communal Containers
  - Properties requiring Clinical Waste Collection
  - Litter Bins
  - Dog Waste Bins
  - Planned Events
  - Bring Sites

- Anticipated Bulky Waste volumes
11. Operational data provided by Kier is warranted under the provisions of the mutual exit agreement. This provision supports mitigation of the risk that future contractual claims may be incurred on the basis that measurements and quantities are incorrect. Waste officers retain oversight and overall responsibility for the data provided for procurement as the scale of services that are required have a direct impact on council budgets.

### **Final Specification**

12. The 'finalisation' of the specification prior to OJEU will include checks for the references to appendices, cross referencing to the Conditions of Contract, including the Performance Management Framework, Payment Mechanism and the full list of Defined Terms.
13. Minute JWRC17/11 gave authorisation for the Lead Director to take decisions as required to finalise the documents (provided such decisions have no budget or policy implications). The specification contained in Appendix 1, is therefore noted to be in final draft form, pending the finalisation of all the tender documents.

### **Conclusion**

14. The specification describes the Partnership's minimum requirements and as such, is an essential document that must be available at OJEU stage. The Joint Waste and Recycling Committee is therefore asked to consider and approve the specification provided at Appendix 1, subject to final amendments and alignment with all other tender documentation being prepared.

Dr Anthony Leonard  
Lead Director

### **Risk Assessment Statement**

The revised timeline proposes the issuing of the OJEU notice the first week in January 2018. Delay in approving the documents for tender will result in delay to the start of the tender process thereby reducing the time available for any tender negotiation, tender evaluation and service mobilisation. This would significantly increase the risk of service disruption in 2019.